

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

UNITED STATES OF AMERICA & STATE  
OF NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES,

Plaintiffs,

v.

MCCORD CORP.,

Defendant.

Civ. No. 1:22-cv-289-SM

**JOINT MOTION TO EXTEND SCHEDULING DEADLINES APPROVED AND  
ADOPTED IN THE COURT’S MARCH 8, 2023 PRETRIAL SCHEDULING ORDER  
APPROVING THE PARTIES’ AMENDED JOINT PROPOSED DISCOVERY PLAN**

In accordance with Local Rule of Civil Procedure 7.2(a), Plaintiff State of New Hampshire Department of Environmental Services (New Hampshire), Plaintiff United States of America (United States), and Defendant McCord Corporation (McCord), respectfully submit this *Joint Motion to Extend Scheduling Deadlines Approved and Adopted in the Court’s March 8, 2023 Pretrial Scheduling Order Approving the Parties’ Amended Joint Proposed Discovery Plan*. In support hereof, the Parties aver as follows:

1. Section XI of the Parties’ Amended Joint Proposed Discovery Plan (ECF No. 27) (“Discovery Plan”), approved and adopted by the Court on March 8, 2023, provides that fact discovery shall end on August 1, 2023.
2. Parties are currently engaged in fact discovery. The United States propounded a Second Set of Interrogatories and Requests for Production of Documents, as well as a First Set of Requests for Admission, to McCord on June 21, 2023; New Hampshire propounded Requests for Production of Documents and Interrogatories to McCord on June 30, 2023; and McCord

propounded its First Set of Interrogatories and First Set of Requests for Production of Documents to New Hampshire on June 23, 2023.

3. Due to the nature and volume of documents that New Hampshire must review and scan to respond to McCord's discovery requests, New Hampshire requires an additional sixty days beyond the August 1, 2023 fact discovery deadline to review its paper files and respond to McCord's discovery requests. Further, the extension of the fact discovery deadline will necessitate extensions of other deadlines in the Discovery Plan. However, the extension would not result in continuance of any hearing, conference, or trial.

4. New Hampshire conferred with the United States and McCord, and they agree to extend the current deadlines in the Discovery Plan. In accordance with Local Rule 7.2(a), the Parties respectfully request to extend the current deadlines set forth in the Discovery Plan. A modified Civil Form 3 is attached to this motion as Exhibit A and sets forth the current deadlines in the Discovery Plan and the new proposed deadlines for the Court's consideration.

WHEREFORE, the Parties respectfully request that this Honorable Court:

- A. Grant this motion;
- B. Amend the Amended Joint Proposed Discovery Plan to reflect the proposed scheduling deadlines set forth in Civil Form 3 (Exhibit A) to this motion; and
- C. Grant any other relief that this Court deems just and appropriate.

DATE: July 20, 2023

Respectfully submitted,

STATE OF NEW HAMPSHIRE DEPARTMENT  
OF ENVIRONMENTAL SERVICES

By and through its attorney,


JOHN M. FORMELLA  
ATTORNEY GENERAL

/s/ Joshua C. Harrison

Joshua C. Harrison, Bar # 269564  
Assistant Attorney General  
Environmental Protection Bureau  
Office of the Attorney General  
New Hampshire Department of Justice  
33 Capitol Street  
Concord, NH 03301-6397  
(603) 271-3679  
[Joshua.C.Harrison@doj.nh.gov](mailto:Joshua.C.Harrison@doj.nh.gov)

FOR THE UNITED STATES OF AMERICA

TODD KIM  
Assistant Attorney General  
Environment and Natural Resources Division



ALISON KELLY  
FL Bar No. 0016660  
NATALIE G. HARRISON  
FL Bar No. 0111525  
Trial Attorneys  
Environmental Enforcement Section  
Environment and Natural Resources Division  
U.S. Department of Justice  
Ben Franklin Station  
P.O. Box 7611  
Washington, DC 20044-7611  
(202) 514-1210 (Kelly)  
(202) 305-0461 (Harrison)  
[Alison.Kelly@usdoj.gov](mailto:Alison.Kelly@usdoj.gov)  
[Natalie.G.Harrison@usdoj.gov](mailto:Natalie.G.Harrison@usdoj.gov)

MCCORD CORPORATION

By its Attorneys,

/s/ Joshua C. Harrison for Attorney Vitris  
Michael F. Vitris (admitted *pro hac vice*)  
BEVERIDGE & DIAMOND PC  
400 West 15<sup>th</sup> Street Suite 1410  
Austin, Texas 78701-1648  
(512) 391-8035  
mvirtis@bdlaw.com

Robert R. Lucic (NH Bar #9062)  
Thomas S. Burack (NH Bar #6552)  
Bryanna K. Devonshire (NH Bar #269462)  
Abbygale S. Martinen (NH Bar #272938)  
SHEEHAN PHINNEY BASS & GREEN PA  
1000 Elm Street, P.O. Box 3701  
Manchester, NH 03105-3701  
(603) 668-0300  
rlucic@sheehan.com  
tburack@sheehan.com  
bdevonshire@sheehan.com  
amartinen@sheehan.com  
Marc J. Goldstein (admitted *pro hac vice*)  
Eric L. Klein (admitted *pro hac vice*)  
Lauren M. Karam (admitted *pro hac vice*)  
BEVERIDGE & DIAMOND PC  
155 Federal St. Suite 1600  
Boston, MA 02110  
(617) 419-2315  
mgoldstein@bdlaw.com  
eklein@bdlaw.com  
lkaram@bdlaw.com

James B. Slaughter (admitted *pro hac vice*)  
BEVERIDGE & DIAMOND PC  
1900 N St. NW Suite 100  
Washington, DC 20036  
(202) 789-6040  
jslaughter@bdlaw.com

OF COUNSEL:

John Hultgren, Esq.  
Office of Regional Counsel  
U.S. Environmental Protection Agency Region 1  
5 Post Office Square – Suite 100  
Boston, MA 02109-3912

**CERTIFICATE OF SERVICE**

I, Joshua Harrison, hereby certify that on July 20, 2023, I electronically filed the above *Joint Motion to Extend Scheduling Deadlines Approved and Adopted in the Court's March 8, 2023 Pretrial Scheduling Order Approving the Parties' Amended Joint Proposed Discovery Plan* with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all counsel of record.

/s/ Joshua C. Harrison

Joshua C. Harrison, Bar #269564  
Assistant Attorney General  
Environmental Protection Bureau  
Office of the Attorney General  
New Hampshire Department of Justice  
33 Capitol Street  
Concord, New Hampshire 03301-6397  
(603) 271-3679  
Joshua.C.Harrison@doj.nh.gov

**EXHIBIT A**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIREUNITED STATES OF AMERICA & STATE  
OF NEW HAMPSHIRE DEPARTMENT OF  
ENVIRONMENTAL SERVICES,

Plaintiffs,

v.

MCCORD CORP.,

Defendant.

Civ. No. 1:22-cv-289-SM

**ATTACHMENT TO JOINT MOTION TO EXTEND SCHEDULING DEADLINES  
ESTABLISHED IN THE COURT'S MARCH 8, 2023 PRETRIAL SCHEDULING  
ORDER**

Scheduling Designation	Current Deadline	Proposed Deadline
Fact Discovery Ends	August 1, 2023	October 2, 2023
Deadline to Disclose Experts and Serve Expert Reports	September 15, 2023	November 20, 2023
Deadline to Disclose Rebuttal Experts and Serve Rebuttal Reports	November 15, 2023	January 31, 2024
Deadline to Complete Expert Depositions	December 15, 2023	February 29, 2024
Cross-motions for Partial Summary Judgment and Other Dispositive Motions Due	February 9, 2024	April 26, 2024
Responses to Cross-motions and Dispositive Motions Due	March 22, 2024	June 7, 2024
Replies to Cross-motions and Dispositive Motions Due	April 19, 2024	July 12, 2024